

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

LUCY REED : CIVIL ACTION NUMBER _____
VERSUS : JUDGE: _____
VINCENT SYKES, SR. and : MAGISTRATE _____
DART TRANSIT

COMPLAINT

This complaint is filed by LUCY REED, a resident of the State of Louisiana, who respectfully represents as follows:

PARTIES

I.

Made Defendants herein are:

- (a) VINCENT SYKES, SR., a person of the full age of majority and a resident of the State of Virginia; and
- (b) DART TRANSIT, a foreign corporation, doing business in the State of Louisiana.

JURISDICTION AND VENUE

II.

This action is one over which this court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), in that Plaintiff and Defendants are citizens of different states, and the value of the matter in controversy, exclusive of interest and costs, exceeds \$75,000.

III.

Venue is proper in this Court as the accident made the basis of this lawsuit occurred in Lafayette Parish which is located within the district and division represented by the Honorable Court.

FACTS ALLEGED

IV.

On or about April 6, 2007, your Plaintiff herein, LUCY REED received personal injuries in the following manner:

Plaintiff, LUCY REED was operating a 2001 GMC vehicle while attempting to make a left hand turn off of Ambassador Caffrey Pkwy. onto Settlers Trace Blvd. in Lafayette Parish when the 2005 International Truck being operated by VINCENT, SYKES, SR., also making a left hand turn from Ambassador Caffrey Pkwy. onto Settlers Trace Blvd. in Lafayette Parish entered her lane of travel striking Plaintiff's vehicle. As a result of this collision Plaintiff suffered the injuries/damages complained of herein.

V.

At all times pertinent hereto, Defendant, VINCENT SYKES, SR., was acting within the course and scope of his employment with Defendant, DART TRANSIT.

VI.

At all times pertinent hereto, Defendant, DART TRANSIT was acting in the capacity of the employer of and/or party responsible for the acts or omissions committed herein by VINCENT, SYKES, SR. under the Federal Motor Carrier Safety Act and thus is liable, vicariously, under a theory of *Respondent Superior* and/or under the Federal Motor Carrier Safety Act for the acts/omissions of negligence of VINCENT, SYKES, SR.

VII.

The above mentioned accident was in no way caused by the fault of your Plaintiff, but was caused solely by the negligence and/or legal fault of VINCENT SYKES, SR. in the following particulars, but not exclusively limited thereto:

- (a) Negligently colliding his vehicle into Plaintiff's vehicle;
- (b) Failing to obey the applicable traffic laws;
- (c) Failing to act as a reasonable person under conditions and circumstances which were easily observable;
- (d) Failing to maintain control of his vehicle;
- (e) Failing to see what he should have seen;
- (f) Operating a vehicle in a careless and inattentive manner;
- (g) Violating the Federal Motor Carrier Safety Regulations;
- (h) Violating the Louisiana Motor Vehicle statutes;
- (i) Violating company policy; and
- (j) Any and all other acts of negligence and/or legal fault to be proven at trial on the merits.

VIII.

Alternatively, and/or in addition to the negligence of VINCENT SYKES, SR., as pled herein, Defendant, DART TRANSIT, committed the following acts/omissions of negligence or legal fault:

- (a) Operated a commercial carrier with inadequate safety management controls;
- (b) Entrusted a vehicle to an incompetent driver with knowledge of said driver's incompetence;
- (c) Hired and selected the operator of the tractor/trailer which collided with the vehicle occupied by Plaintiff;

- (d) Trained the operator of the tractor/trailer which collided with the vehicle occupied by Plaintiff;
- (e) Supervised and monitored the operator of the tractor/trailer which collided with the vehicle occupied by Plaintiff;
- (f) Used an unskilled, unknowledgeable, unqualified or disqualified driver;
- (g) Retained the employment of the operator of the tractor/trailer which collided with the vehicle occupied by Plaintiff;
- (h) Operated the tractor/trailer which collided with the vehicle occupied by Plaintiff;
- (i) Maintained the tractor/trailer, including the equipment thereon, which collided with the vehicle occupied by Plaintiff;
- (j) Inspected the tractor/trailer, including the equipment thereon, which collided with the vehicle occupied by Plaintiff;
- (k) Equipped the tractor/trailer which collided with the vehicle occupied by Plaintiff;
- (l) Loaded and secured the cargo on the tractor/trailer which collided with the vehicle occupied by Plaintiff;
- (m) Overloaded the tractor/trailer which collided with the vehicle occupied by Plaintiff;
- (n) Scheduled shipments and deliveries;
- (o) Selected an independent contractor;
- (p) Violated the Federal Motor Carrier Safety Regulations;
- (q) Violated Louisiana Motor Vehicle statutes;
- (r) Violated their own company policy;

- (s) Aiding and abetting their employees in the violation of the Federal Motor Carrier Safety Regulations and Louisiana motor vehicle statutes; and
- (t) Caused and/or contributed to the occurrence made the basis of the Plaintiff's claims.
- (u) Any and all other acts of negligence and/or legal fault to be proven at trial on the merits.

IX.

As a result of the above-described collision, your Plaintiff, LUCY REED has sustained serious and grievous injuries to his person. These injuries required extensive medical care. Plaintiff seeks damages for:

- (a) Severe psychological and physical injuries;
- (b) Physical and mental anguish;
- (c) Physical and mental pain and suffering;
- (d) Permanent injuries and disability;
- (e) Past, Present & Future Medical expenses;
- (f) Past, Present & Future Lost wages;
- (g) Loss of earning capacity; and
- (h) Any and all other damages or remedies available under the law and that may be proven at a trial of this matter.

X.

Defendants are liable jointly, severally and *in solido* for the losses injuries damages alleged herein.

XI.

Plaintiff asserts that she is entitled to a trial by jury.

WHEREFORE, Plaintiff prays that after the lapse of all legal delays and due proceedings are had, there be judgment rendered herein in favor of the Plaintiff, LUCY REED and against the Defendants, VINCENT SYKES, SR. and DART TRANSIT for all damages sustained, legal interest from the date of judicial demand until paid, for all the costs of these proceedings, and for all general and equitable relief in the premises. Plaintiff further requests a trial by jury on all issues.

Respectfully submitted,

JEANSONNE AND REMONDET

BY: 

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March 4, 2008

Honorable Robert H. Shemwell
Clerk of Court
United States District Court
Western District of Louisiana
800 Lafayette Street, Suite 2100
Lafayette, Louisiana 70501

RE: Lucy Reed vs. Vincent Sykes, Sr., et al

Dear Mr. Shemwell:

Enclosed please find five copies of the Complaint, with summons, and Civil Cover Sheet which I would appreciate your certifying and returning to me for service on the defendants.

Please return one enclosed copy to this office with the date of filing stamped on same for completion of my file. I have enclosed a self-addressed, stamped envelope for your convenience.

Also enclosed is my firm check in the amount of \$350.00 for the filing fee.

With kindest regards and best wishes, I remain,

Sincerely,



MICHAEL J. REMONDET, JR.

MJR,jr/ab
Enclosures
Cc: Ms. Billie Brick (Dart: 0010536)
3/15/08